IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLN.(CONTEMPT PETITION) No 352 of 1986

in

SPECIAL CIVIL APPLICATIONNo 6899 of 1985

with

MISC. CIVIL APPLN.(CONTEMPT PETITION) No 527 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

MB SHUKLA PROFESSOR OF HISTORY

Versus

STATE OF GUJARAT

Appearance:

1. Misc. Civil Appln.(Contempt Petition) No. 352 of 1986

MR BP TANNA for Petitioner

MR LR PUJARI AGP for Respondent No. 1

MR JD AJMERA for Respondent No. 3

2. Misc. Civil Appln.(Contempt Petition)No 527 of 1986

MR BP TANNA for Petitioner

MR LR PUJARI, AGP for Respondent No. 1

MR JD AJMERA for Respondent No. 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

and

MR.JUSTICE A.M.KAPADIA

Date of decision: 22/02/2001

ORAL COMMON JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

1. Both these petitions are filed by the same petitioner seeking initiation of contempt proceedings against the respondents authorities for not obeying the directions of the learned Single Judge given on 18-12-1986 in Special Civil Application No. 6899 of 1986 by which the State Government was directed to regularise the appellants within a period of two weeks from the date of the order i.e. 18-2-1986. It was also directed that in regularising the appellants, the State Government may hear Prof. Topkhane or Prof. Bhatt or any other person, and take appropriate decision in accordance with law and seniority.

2. It appears that thereafter, the Government has made order on 24-4-1986, which is at Annexure `B' to the petition in Misc. Civil Application No. 527 of 1986. That order refers to the interim order dated 18-2-1986, in which directions were given to the State Government. It then records that the Government had considered all the relevant facts in the matter. After giving the reasons for the decision, it was held that Shri Topkhane and Shri Bhatt be given deemed date of promotion of Shri Shukla namely, 15-6-1970. It was directed that the formal orders should be issued after consultation with the G.P.S.C. as per the Rules.

3. In this view of the matter, it appears that the interim directions which were given on 18-2-1986 by the learned Single Judge have been duly complied with and the State Government has taken a decision in the matter. The correctness or the merits of the decision cannot be the subject matter of the contempt petition. In this view of the matter, there has not been any willful disobedience of the directions of the Court. Both these petitions are, therefore, rejected. Rule is discharged in each of them with no orders as to costs.

FEBRUARY 22, 2001 [R.K.ABICHANDANI, J.]

[A.M.KAPADIA, J.]

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